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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,097	04/25/2006	Raymond Lillback	16-170 PCT	2318

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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVEVLAND, OH 44114

EXAMINER	
FOX, JOHN C	

ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
12/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,097	LILLBACK, RAYMOND	
	Examiner	Art Unit	
	John Fox	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *1-5,7,8,11-14 and 18-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6,9,10 and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claims 1-5, 7-8, 11-14, and 18-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 20, 2009.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gold, of record.

Gold shows a valve with main ports 11, 12 and other ports 13, 14 and a valve spool with base 28, disc-like member 29 with openings 32, and a diametral wall 30. In the normal position, shown in dash lines in Figure 1, a flow path will exist from the spool through openings 32 to a chamber region above 29, returning back through openings 32 to the spool and to the other port 14 through an opening on the cylindrical wall of the valve chamber. Each of the ports of Gold include a transfer or intermediate chamber.

Applicant's arguments filed November 4, 2009 have been fully considered but they are not persuasive.

Applicant argues that the cylindrical valve spool, disposed in a cylindrical valve chamber, does not include a cylindrical wall with an opening leading to a transfer chamber. The Examiner disagrees. As shown in Figure 1 of Gold, radial walls 24, 25, 26 and 27 inwardly terminate in cylindrical surfaces forming the cylindrical valve chamber. Radial walls 24, 25, and 27 inwardly terminate in cylindrical flanges which have a circumferential extent lateral to the radial walls and with a distinct wall thickness. It is

relatively easy to perceive the openings in the cylindrical wall of Gold leading to the transfer chambers.

The claims do not recite any particulars of the size or shape of the openings in the cylindrical wall of the claimed device. Accordingly, Gold anticipates the claims as required in the case law cited by Applicant.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gold in view of Kirkwood et al.

Gold teaches the claimed valve except for a seal. Kirkwood et al show a similar four port valve with a seal. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have used such a seal in the valve of Gold to similarly seal against the chamber wall.

Since no arguments against this rejection have been made it will stand or fall with the rejection of claim 6.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gold in view of Voith.

Gold teaches the claimed valve except for a lower bearing. Voith shows a similar valve with a lower bearing, as recited. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have used such a bearing as taught by Voith in the valve of Gold to similarly provide for rotational stability.

Since no arguments against this rejection have been made it will stand or fall with the rejection of claim 6.

Claims 6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman.

Bergman shows a valve with main ports 1, 2 and other ports 3,4, and a valve spool with base 17, disc-like member 16 with openings opposite valves 28, 29, a diametral wall 15 and a radial wall 14 which is read as extending from the wall 15. As with Gold, a flow path exists as recited through the openings in member 16 to an other port.

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that Bergman does not show an opening in a cylindrical wall. The Examiner disagrees. Bergman teaches a cylindrical valve member mounted for rotation and sealing at six seals 30 disposed at a uniform cylindrical radius from the axis of rotation, and includes a cylindrical portion of a valve body adjacent to passage 9. The specification does not give any special or specific meaning to the term “wall” and the claims are silent as to the extent or shape of the claimed wall. Claims are given their broadest reasonable interpretation, consistent with the specification, and limitations are not read into the claims during examination, see MPEP 2111 and 2111.01. Accordingly, the cylindrical shape of the seals 30 are properly read as a wall with openings therethrough.

Applicant argues that Bergmann does not show a transfer chamber located adjacent to a spool region. The Examiner disagrees. The specification does not give any special or specific meaning to the term "intermediate chamber" but discloses that it "facilitates the fluid communication of the fitting 42 with the spool chamber" and that “it

is possible to eliminate the intermediate chamber 52 and have the fitting 42 communicate directly with the spool chamber", page 10, lines 25-30. Viewing the drawings, the intermediate chambers are shown as irregular volumes communicating the tubular fitting 42 with the cylindrical spool chamber (or valve chamber of the claims). Figure 5 of Bergmann shows tubular passages 1, 2, 3, 4, analogous to the fittings 42 of the application, leading to irregular volumes communicating with the valve chamber. Claims are given their broadest reasonable interpretation, consistent with the specification, and limitations are not read into the claims during examination, see MPEP 2111 and 2111.01. Accordingly, Bergman is properly read as including the claimed intermediate chambers.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912.

The examiner can normally be reached on Monday-Saturday from 10am-6pm (Hoteling Program).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Fox/
Primary Examiner
Art Unit 3753